

THE BRANDI LAW FIRM

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VIA ECF

The Honorable Charles R. Breyer
United States District Court
Northern District of California
Courtroom 6, 17th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Re: *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2672

Dear Judge Breyer:

Pursuant to Pretrial Order No. 2 (PTO 2), Thomas J. Brandi and The Brandi Law Firm respectfully submit this application for appointment to the Plaintiffs' Steering Committee. I am the principal of The Brandi Law Firm, which only represents plaintiffs in personal injury, product liability, and consumer actions. My firm filed a Volkswagen matter in this Court (*Goodrich, et al. v. Volkswagen et al.* 3:15-cv-04397) on September 24, 2015, and we have additional owners we have yet to add as plaintiffs.

Professional Experience and Judicial References

My firm and I have extensive product liability experience against all of the major automobile manufacturers, which include jurisdictional challenges, extensive discovery, appellate briefs, settlements and trials to verdict against Toyota, Ford, and Chevrolet in California, Nevada and Arizona.

I also have a wide range of experience in mass tort and collective actions over the last 33 years. My first case in this area was In Re Dalkon Shield where I argued on behalf of plaintiffs in this Court and before the 9th Circuit (*In re Northern District of California, Dalkon Shield IUD Products Liability Litigation* (1982) 693 F.2d 847) and tried the last two U.S. cases in 1997 in San Francisco Superior Court before Honorable Alex Saldomando (Tel. (415) 772-0900). Since the Dalkon Shield matter, my relevant experience in these matters includes:

¹ Admitted in AZ | ² Admitted in AZ and NV | ³ Admitted in AZ, DC and NV | ⁴Admitted in AZ, DC, NV and WA

- *California Diet Drug Litigation*: Plaintiffs' Management Committee assignment for these cases which involved individuals who had taken Fen-Phen. Coordination before Los Angeles Superior Court before Honorable Daniel Pratt.
- *MDL 1343 –in re Air Crash*: Plaintiffs' Management Committee assignment regarding Alaska Airlines Flight 261 crash in January 2000. U.S. District Court – Northern District of California. Before Judges Charles Legge and Your Honor.
- *USG and W.R. Grace Bankruptcy*: Asbestos Creditors Claimant Committee assignment regarding the bankruptcy proceedings involving USG and W.R. Grace Co. U.S. Bankruptcy Court for the District of Delaware.
- *Miller v. Bank of America*: Lead trial counsel on behalf of a California state class of over 1.1 million customers challenging the bank's practice of seizing exempt funds from Social Security direct deposit accounts which resulted in a verdict over \$1 billion. San Francisco Superior Court No. CIV301917 before Honorable Anne Bouliane (Tel. (415) 865-7494).
- *JCCP 4247 – In re Vioxx Coordinated Cases*: Plaintiffs' Management Committee Assignment and trial counsel for one of the two Vioxx cases to go to verdict in Los Angeles Superior Court before now Justice Victoria Chaney (Tel. (213) 830-7000).
- *JCCP 4578 – Avandia Drug Cases*: Plaintiffs' Steering Committee appointment regarding this defective drug for diabetes control. Los Angeles Superior Court before Honorable Elihu M. Berle.
- *JCCP 4608 –Yaz, Yasmin and Ocella Contraceptive Cases*: Plaintiffs' Executive Committee appointment for this birth control pill which caused blood clots and stroke in young women. Los Angeles Superior Court before Honorable Carolyn Kuhl.
- *JCCP 4616 – Matrixx Initiatives Product Cases*: Lead counsel, along with Terence Edwards and Casey Kaufman of my firm regarding Zicam defect litigation. San Francisco Superior Court before Honorable Richard Kramer (Tel. 415-982-5267).
- *JCCP 4644 – Fosamax/Alendronate Sodium Drug Cases*: Plaintiffs' Steering Committee assignment in this matter regarding this osteoporosis drug that contributed to atypical femur fractures in users. Orange County Superior Court before Honorable Steven Perk.
- *JCCP 4649 –Depuy ASR Hip System Cases*: Plaintiffs' Steering Committee assignment in this matter regarding defective metal on metal hip replacement components. San Francisco Superior Court before Honorable Richard Kramer (Tel. 415-982-5267).
- *Hershey Employee Actions (Zulewski, 4:11-cv-05117-KAW; Barnes, 3:12-cv-01334-CRB, Campanelli, 3:08-cv-01862-BZ)*: Lead Collective Counsel Action Counsel in these wage and hour class actions against The Hershey Company. Northern District of California before Your Honor, Honorable Magistrate Judges Kandis Westmore, and Bernard Zimmerman.

In addition, I have recent jury verdicts with Judge Brian Walsh of Santa Clara Superior Court (Clarke v. State, (408) 882-2230); Judge James J. McBride, San Francisco Superior Court (Ronan v. Panagiotopoulos, (415) 772-0900) and Judge Scott Kays, Solano County Superior Court (Hutchinson v. State, (707) 207-7316). Mediators who I recently mediated with include retired Supreme Court Justice Edward A. Panelli ((415) 982-5267), Judge Alfred Chiantelli, ((415)-772-0900), Justice Robert Dossee ((415) 982-5267), and Cathy Yanni ((415) 982-5267).

Willingness to Serve, Work Cooperatively, and Devote Required Resources

I am willing and able to commit considerable time and resources of my firm to this litigation beginning immediately. Throughout my practice, I have demonstrated that I am detail oriented, have the resources to see a matter through to completion, work well with others on both sides of the litigation, and am able to successfully try a case. This case presents its unique set of facts that require organizational skills to effectuate realistic negotiations, preparing the case so that the matter can be realistically resolved in a practical manner, or failing a fair resolution, ensuring that necessary preparations are completed to effectively try the remaining portions of the case.

Other Considerations in Support

Like most other attorneys that have submitted applications for steering committee positions, I too am a member of most of the peer recognition societies, including the International Academy of Trial Lawyers, the American College of Trial Lawyers, and the American Board of Trial Advocates (ABOTA) and the Litigation Counsel of America. For the last twelve years, I have taught Trial Practice at University of San Francisco School of Law. I have also served as President of the Consumer Attorneys of California and the San Francisco Trial Lawyers Association, and am the Honorary Consul of Slovenia.

I have tried cases to verdict in 17 jurisdictions and extensively negotiated cases in both collective and individual actions on behalf of numerous plaintiffs in a variety of settings. In addition, my work on bar committees and as Consul for Slovenia has involved a great deal of complex negotiations and organization of disparate factions toward common goals.

I am applying for a position on the Plaintiff steering committee to represent all parties. The magnitude of this case will likely require a number of attorneys collectively working in an organized fashion to bring together all of the dissimilar groups. There are a number of outstanding people applying for lead positions, many of whom have distinguished backgrounds, and I believe I can work well to assist anyone selected to achieve the best result possible for the Plaintiffs.

Thank you for your consideration.

Very truly yours,



Thomas J. Brandi